

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF MISSOURI**

In Re:	)	
	)	
Karen Cangelose, and Anthony Cangelose, <i>Debtor</i>	)	
	)	Case No. 11-40033-drd
The Bank of New York Mellon Trust Company, National	)	
Association fka The Bank of New York Trust Company,	)	Adversary No. 11-04066
N.A. as successor to JPMorgan Chase Bank N.A. as	)	
Trustee, by GMAC Mortgage, LLC, loan servicing agent	)	Chapter: 13
for <i>Creditor</i>	)	
	)	
vs.	)	
	)	
Karen Cangelose, and Anthony Cangelose, <i>Debtor</i>	)	
	)	
and	)	
	)	
Richard V. Fink, <i>Trustee</i>		

**AGREED ORDER RESOLVING ADVERSARY PROCEEDING  
TO AVOID LIEN OF GMAC MORTGAGE, LLC**

**THIS MATTER** comes on for consideration upon the adversary proceeding of Debtor against The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. as Trustee, by GMAC Mortgage, LLC, its subsidiaries, affiliates, predecessors in interest, successors or assigns, ("Creditor"), to avoid the lien of GMAC Mortgage, LLC. Based upon the pleadings filed and the stipulations of the parties, the Court makes the following findings that:

1. On March 9, 2011, Debtor filed adversary proceeding 11-04066 to Avoid Lien of The Bank of New York Mellon Trust Company, National Association fka The Bank of New York Trust Company, N.A. as successor to JPMorgan Chase Bank N.A. as Trustee, by GMAC Mortgage, LLC.

2. Creditor agrees that there is no equity in the property.

3. Debtor is the owner of certain real property commonly known as 1309 NE Chowning Drive, Kansas City, MO, which is legally described as follows:

United States Bankruptcy Court

Western District of Missouri

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**Lot 50, FOX HILL FIFTH PLAT, a subdivision in Kansas City, Clay County, Missouri**, commonly known as 1309 Northeast Chowning Drive, Kansas City, MO 64155 (the "Property")

4. The property is subject to a first deed of trust with HSBC Mortgage Services with an approximate balance due of \$192,255.40 and a second deed of trust with GMAC Mortgage, LLC with an approximate balance due of \$45,512.00.

5. Creditor does not have a county appraisal of the property, but debtors list the value of the property at \$164,000.00. Creditor does not dispute that valuation.

6. The parties stipulate that the value of the property is less than the amount of the claim securing the first deed of trust lien of HSBC Mortgage Services.

7. There is no equity remaining in the property after satisfaction of the first deed of trust lien of HSBC Mortgage Services. As such, the lien of GMAC Mortgage, LLC is wholly unsecured and any such claim filed on their loan number xxxxxx5166 shall be treated as an unsecured debt under the Debtor's plan.

8. Notwithstanding Findings 1 through 7, the deed of trust lien will become discharged and extinguished only after completion of Debtor's Chapter 13 Plan and entry of a Discharge Order.

9. Upon completion of Debtor's Plan, GMAC Mortgage, LLC will have thirty days after the Discharge Order is entered and received by GMAC Mortgage, LLC, to file its release of lien. Alternatively, Debtor may file a certified copy of this Order with the appropriate County

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Recorder of Deeds as a judicial release of lien but only after completion of Debtor's Chapter 13  
Plan and entry of a Discharge Order.

10. In the event that Debtor converts their case to one under Chapter 7 of the  
Bankruptcy Code then this order of the court shall be null and void.

**IT IS THEREFORE ORDERED, ADJUDGED, AND AGREED** that the above findings shall  
become orders of this Court, and

**IT IS FURTHER ORDERED** that the Court enters Judgment for the Debtor subject to the  
terms, conditions and requirements incorporated in the findings listed above.

**IT IS SO ORDERED**

Dated March 23, 2011

/s/ Dennis R. Dow  
Judge, U.S. Bankruptcy Court

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SOUTH & ASSOCIATES, P.C.

/s/Ashley B. Osborn

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